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cc PS/PUS(B&L)
PS/Mr Bloomfield
Mr Stephens
Mr Brennan
Mr Chesterton
Mr Merifield
Miss Elliott
Mr Hamilton
Mr Sullivan

Mr Innes

ILLEGAL OCCUPATION OF NIHE PROPERTY

1. I would be grateful for advice on Mr Hamilton's minute of 4 October enclosing a letter to Mr Needham from the Chairman of the NI Housing Executive about illegal occupation of NIHE property.
2. Central Secretariat, along with DOE and LOB, have been keeping an eye on developments on this front for some time and Mr Hill's minute of 20 May to PS/Secretary of State sets out the background to the problem and explains the difficulties of taking effective action. DOE has encouraged the Executive to use any opportunity which arises to take action against Sinn Fein (who are the main offenders) wherever an assessment of the practicalities of the situation suggests that this would be worthwhile. The main problem is the practical difficulties of eviction in certain areas and the lack of enthusiasm by the security forces, whose support is of course crucial. There is also no doubt that Sinn Fein would ensure the maximum publicity for any attempt to evict them and in practical terms even a successful eviction would only mean that Sinn Fein would promptly move into the nearest vacant property. For these reasons we have adopted a low key approach recognising that there is little that can be done that will not be counter-productive and put officials at risk.
3. I think that the Minister's reply to Mr Ferguson should indicate that he shares the Executive's concern and is ready to give whatever support he can, although he recognises that there are a number of practical difficulties which need careful consideration. He could offer to discuss this further in a meeting with Mr Ferguson. I doubt if we will be able to go further than to promise broad support while leaving it to the security forces to make a judgment in the particular circumstances of each case but on the other hand we will want to avoid encouraging the Executive to take legal action which cannot at the end of the day be enforced.

I would be grateful for your views.

P. Carvill

P CARVILL
Central Secretariat
Stormont Castle

8 October 1985

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887/10
Mr Sullivan
Central Secretariat

ILLEGAL OCCUPATION OF NIHE PROPERTY

1. We have had detailed correspondence on this subject during the past year.
2. Mr Needham has now received the enclosed letter from the Chairman of the Housing Executive. The matters raised are clearly of major concern to both Central Secretariat and NIO.
3. I would therefore be most grateful if you could arrange for appropriate comments and a line to take in the reply which would issue from the Minister to Mr Ferguson.
4. In order to meet our normal Private Office deadline, I would be grateful if the information could be provided by 16 October.

N Hamilton

N HAMILTON
Department of the Environment (NI)

4 October 1985

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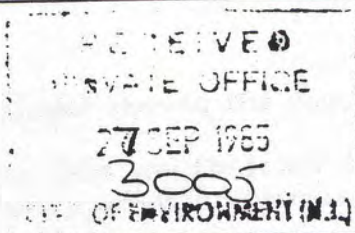
Original to Minister
Copies to Secretary
Mr McCann

Housing Executive

Northern Ireland Housing Executive
The Housing Centre
2 Adelaide Street
Belfast BT2 8PB
Telephone: Belfast 240588

Chairman
N. G. D. Ferguson DL

Richard Needham, Esq., M.P.,
Under Secretary of State,
Parliament Buildings,
Stormont,
Belfast.



date 25th September, 1985
your reference

our reference

Dear Minister,

The Housing Executive has for long been troubled by illegal occupation of its property for uses other than those intended. This has mainly taken the form of domestic property used as offices, advice centres, or even shops, by political parties; the chief offender has been Sinn Fein. In the face of this problem my Board has recently had a thorough investigation carried out, and the results of this were brought to our August meeting.

I enclose a copy of the paper which was prepared, and which received detailed and lengthy consideration. It was the unanimous view that this situation is unacceptable, and strong views were expressed that the Executive must act against the offenders if credibility as to our impartiality is to be maintained with others.

However, past experience shows that, while recourse to the law to re-gain possession would be the natural action to take, there are serious obstacles. Because of location, as well as who the illegal occupiers are, enforcement of any judgement in our favour is likely to be very difficult and to require the backing of the R.U.C. and possibly the Army. Their reluctance to become involved in this sort of activity is perfectly understandable, but failure to enforce a judgement also has easily understood consequences.

In the face of this dilemma my Board decided that they would defer action for the meantime, while I should write to your predecessor, Mr. Chris Patten, seeking his views, and through him the views of the Secretary of State. It was felt that this might perhaps be followed by a meeting at which courses of action could be discussed. Due to Mr. Patten's departure shortly after our meeting, it seemed reasonable briefly to delay writing while you took up the reins of office. However, I shall now be most grateful if I may have your views.

Chiefly my Board and I wish to know what support we can expect from those who would have to enforce a judgement, should we take the preferred course of pursuing the matter through the Courts. I know you will understand our reluctance to proceed without some certainty of the necessary backing, which we perceive to be a matter of political judgement by the Secretary of State and yourself, and your security advisers.

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Min / Mr McCann
Mr D. McCann

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I am sorry to bring to you what I know is a thorny problem so early in your term of office. However, we do not feel we have any real chance of success on our own, though it has been decided that I should not invite to our annual round of talks any political party which is in illegal occupation of any of our property.

I look forward to hearing from you in due course.

Yours sincerely,

Norman Ferguson

N.G.D. FERGUSON
CHAIRMAN

Encl.

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Division: Operations/ Housing and Planning

(For Board meeting on 28th August 1985)

1.0 Introduction

2.0 Belfast Region

This property is being used as an Advice Centre and is a six bedroom maisonette for which there is no housing demand. Security advice, obtained through Belfast Development Office, remains that, given the number of vacant properties to which the Centre could move, there is little to be gained in seeking possession by enforcement. Continuing efforts are being made to seek possession by agreement.

This property is one of four which are located within a site designated for commercial use. Action has been taken to recover possession against all four occupiers in the block. In respect of Sinn Fein, a letter demanding possession was served on 2nd July. Sinn Fein are in the process of purchasing alternative premises and have requested a postponement of the action for possession pending the purchase of their alternative premises. The District Manager is prepared to initiate Form of Warrant procedure via the Enforcement of Judgements Office should this course of action prove necessary.

This is an Advice Centre in small upstairs portion of a shop (60 Thompson St) which is separately accessed from Moira Street. The entire block was vested in August 1979 as part of RDA 26/27. It is considered that Sinn Fein did not illegally occupy the premises until 1981. Vacant possession by agreement is being sought but as yet there has been no commitment to vacate. Preliminary security advice, obtained through Belfast Development Office, is that there would be difficulty in enforcing vacant possession prior to the property being required for demolition. The property is located in Phase 7 of the RDA with an ESD of February 1989. Until that time it is felt that the Centre if moved, would relocate in other vacant properties in the area.

This is a commercial property which was originally let to Mr O'Kane, Publican as one unit (305/307 Grosvenor Road). The property was divided into two self-contained units and Mr O'Kane's tenancy was transferred to No. 307 only. No. 305 was blocked up and secured in anticipation of it being relet.

The property was found to be occupied by the Workers Party in October 1984 and was vacated by agreement in December 1984.

PRINCIPAL

In June 1985 the property was again occupied by the Workers Party. On 19th July a letter demanding possession was served by hand on the occupiers. There has been no subsequent response and legal action for possession is now being prepared.

3.0 North West Region

3.1 45 Central Drive, Creggan, Londonderry (Sinn Fein)

This is a shop with 6 flats above. All but one of the flats are vacant and vandalised. There are four shops in total, two occupied legally, one illegally and one is vacant. About 100 yards away is another 3 storey block which is mostly vacant.

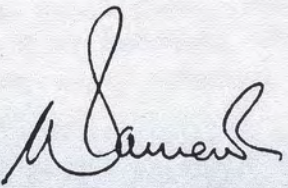
Sinn Fein have operated an Advice Centre intermittently from number 45 for 6 or 7 years. Their latest occupation dates from about a year ago. Commercial property were informed when they moved in and considered taking action to secure possession. However Police advice on enforcement was negative.

The future of the two blocks is currently under investigation by the Region. Options include refurbishment, sale to private sector or demolition. the investigation will be completed within the next 2 months.

3.2 19 Corrody Road, Gobnascale, Londonderry (Sinn Fein)

This is a ground floor two bedroom flat. It has been used by Sinn Fein for some 3 years - initially as an Advice Centre and more recently as a store. Sinn Fein have a caravan in the back garden which is being used as a shop. They have been advised that they are trading illegally. The Police have been reluctant to take any enforcement action in Gobnascale as it is felt that Sinn Fein would simply relocate in other vacancies in the area. The RUC have again been asked for their advice on this matter. Following contact by the District Office the sign identifying the property as a "Sinn Fein Advice Centre" has now been taken down. Pending Police advice possession by voluntary agreement is still being pursued.

F E McGrath
Director of Housing and Planning


W Cameron
Director of Operations

24/8/85